

CONGRESSIONAL RECORD SUMMARY

Wednesday, August 1, 2001, Part I

SENATE

Measures Introduced:

S. 1286. A bill to *provide for greater access to child care services for Federal employees*; to the Committee on Governmental Affairs.

Carnahan

Pages S 8574, Continued next issue

S. 1287. A bill to *designate the Federal building and United States courthouse located at 2015 15th Street in Gulfport, Mississippi, as the "Judge Dan M. Russell, Jr. Federal Building and United States Courthouse;"* to the Committee on Environment and Public Works.

Lott

Pages S 8574, Continued next issue

S. 1295. A bill to *amend title 18, United States Code*, to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes; to the Committee on the Judiciary.

Levin

Pages S 8575, Continued next issue

S. 1296. A bill to *provide for the protection of the due process rights of United States citizens* (including United States service members) before foreign tribunals, including the International Criminal Court, for the prosecution of war criminals, and for other purposes; to the Committee on Foreign Relations.

Dodd

Pages S 8575, Continued next issue

S.J. Res. 21. A joint resolution designating November 5, 2002, and November 2, 2004, as "Federal Election Day" and making such day a legal public holiday, and for other purposes; to the Committee on the Judiciary.

Kerry

Page S 8575, Continued next issue

Measures Reported:

Special Report entitled "*Further Revised Allocation To Subcommittees Of Budget Totals For Fiscal Year 2002.*" (Senate Report No. 107-50)

S. 584, to *designate the United States courthouse located at 40 Centre Street in New York, New York, as the "Thurgood Marshall States Courthouse."*

Pages S 8570, D 819

Measures Passed:

Department of Transportation and Related Agencies Appropriations Act: Senate passed H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, after taking action on the following amendment proposed thereto:

Pages S 8505-33, D 819

Adopted:

Murray/Shelby Amendment No. 1213, to make certain revisions and improvements to the bill.

Pages S 8526, D 819

By prior unanimous consent, Senate agreed to the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the bill.

Pages S 8505, D 819

Measures Passed (Cont'd.):

By prior unanimous consent, Senate agreed to the motion to reconsider the vote by which cloture was not invoked on the bill.

Pages S 8505, D 819

During consideration of this measure today, Senate also took the following action:

By a unanimous vote of 100 yeas (Vote No. 262), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on **H.R. 2299** (listed above).

Pages S 8505, D 819

H.R. 2620. VA-HUD Appropriations Act:

Senate began consideration of H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, taking action on the following amendments proposed thereto:

Pages S 8537-49, S 8552-62, D 820

Pending:

Mikulski/Bond Amendment No. 1214, in the nature of a substitute.

Pages S 8543-9, S 8552-62, D 820

A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments to be proposed thereto on Thursday, August 2, 2001; that upon disposition of all amendments, the substitute amendment be agreed to, the bill be read three times, and the Senate vote on passage of the bill; that upon passage of the bill, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

Pages S 8560-1, D 820

Nomination Confirmed:

Senate confirmed the following nomination:

By 98 yeas 1 nay (Vote No. EX. 264), *Asa Hutchinson*, of Arkansas, to be *Administrator of Drug Enforcement*.

Pages S 8549-51, S 8577, D 820

"...The nominee has also expressed concerns about the sentencing disparity between those convicted of offenses involving crack and powder cocaine. Current Federal sentencing guidelines treat one gram of crack cocaine and 100 grams of powder cocaine equally for purposes of determining sentences. The U.S. Sentencing Commission has previously recommended equalizing these penalties by reducing the mandatory minimum penalties that currently apply to crack offenses. Unfortunately, Congress has not followed that recommendation. Finding a fair solution to this problem has been stalled by concerns that addressing this issue is too politically perilous--this Congress should overcome those fears and solve this discrepancy..."
(Leahy, Page S 8550)

Nominations Received:

Senate received the following nominations:

Charles F. Lettow, of Virginia, to be a *Judge of the United States Court of Federal Claims* for a term of

fifteen years.

Marian Blank Horn, of Maryland, to be a *Judge of the United States Court of Federal Claims* for a term of fifteen years. (Reappointment)

J. Strom Thurmond, Jr., of South Carolina, to be the *United States Attorney* for the District of South Carolina for the term of four years.

Michael W. Mosman, of Oregon, to be the *United States Attorney for the District of Oregon* for the term of four years.

Paul J. McNulty, of Virginia, to be *United States Attorney for the Eastern District of Virginia* for the term of four years.

Robert Garner McCampbell, of Oklahoma, to be *United States Attorney for the Western District of Oklahoma* for the term of four years.

Harry Sandlin Mattice, Jr., of Tennessee, to be *United States Attorney for the Eastern District of Tennessee* for the term of four years.

Timothy Mark Burgess, of Alaska, to be *United States Attorney for the District of Alaska* for the term of four years.

Pages S 8577, D 821

Order Of Procedure.

Pages S 8551-2

"...In fact, I cannot think of any time in the last 6 years where the Judiciary Committee held five confirmation hearings in 3 weeks. Two of those hearings involved judicial nominees to the Courts of Appeals. I appreciate the fact that the Senator from Montana, Mr. Baucus, noted that we held the hearing on the two district court nominees for Montana 'in a very expeditious fashion.' It was gracious of Senator Hutchinson to offer his thanks for our scheduling the confirmation hearing of Asa Hutchinson to be head of the DEA 'so expeditiously' after Senate reorganization. I appreciate William Riley, the nominee to the Eighth Circuit Court of Appeals, thanking the Judiciary Committee for 'holding a prompt hearing...' (Leahy, Page S 8551)

Petitions And Memorials:

POM-172. A concurrent resolution adopted by the House of the Legislature of the State of Texas relative to the U.S. Border Patrol Training Academy to the southwest Texas border region; to the Committee on the Judiciary.

Page S 8570

Committee Meetings:

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education concluded hearings to examine how intellectual property considerations and ethical issues affect stem cell research and the future development of products for public benefit, and how the transfer of federally funded technology from the not-for-profit sector to the for-profit is accomplished.

Page D 822

Committee on Environment and Public Works: *Committee ordered favorably reported the following business item: S. 584, to designate the United States courthouse located at 40 Centre Street in New York, New York, as the "Thurgood Marshall States Courthouse."*

Page D 823

Committee Meetings (Cont'd.):

Committee on the Judiciary: Subcommittee on Constitution, Federalism, and Property Rights concluded hearings on **S. 989**, to prohibit racial profiling.

Page D 824

Committee on the Judiciary: Subcommittee on Antitrust, Business Rights, and Competition concluded hearings on **S. 1233**, to provide penalties for certain unauthorized writing with respect to consumer products.

Pages D 824-5

Committee Meetings For Thursday, August 2, 2001:

Committee on the Judiciary: @ 10:00 a.m. *Business meeting to consider the nomination of William J. Riley, of Nebraska, to be United States Circuit Judge for the Eighth Circuit;* the nomination of *Deborah J. Daniels*, of Indiana, to be *Assistant Attorney General* for the Office of Justice Programs, the nomination of *Sarah V. Hart*, of Pennsylvania, to be *Director of the National Institute of Justice*, the nomination of *Robert S. Mueller III*, of California, to be *Director of Federal Bureau of Investigation*, all of the Department of Justice; **S. 1046**, to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education*; **H.R. 2133**, to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education*. SD-226.

Pages D 829-30

Committee on Rules and Administration: @ 9:00 a.m. Business meeting to mark up **S. 565**, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, *to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice* shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections. SR-301.

Page D 830

HOUSE

Bills Introduced:

H.R. 2697. A bill to authorize grants to States to fund arrangements between local police departments and public accommodations to have the accommodations serve as emergency domestic violence shelters; to the Committee on the Judiciary.

Andrews

Pages H 5124-5

H.R. 2699. A bill to provide *for the protection of the due process rights of United States citizens* (including United States service members) before foreign tribunals, including the International Criminal Court, for the prosecution of war criminals, and for other purposes; to the Committee on International Relations.

Delahunt

Page H 5125

Bills Introduced (Cont'd.):

H.R. 2700. A bill to amend the Communications Act of 1934 to direct the Federal Communications Commission to *establish an office on victims of media bias*; to the Committee on Energy and Commerce.

Engel

Page H 5125

H.R. 2702. A bill to *prohibit certain abortions*; to the Committee on Energy and Commerce, and in

addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Hoyer

Page H 5125

H.R. 2710. A bill to authorize public-private partnerships to rehabilitate Federal real property, and for other purposes; to the Committee on Government Reform.

Sessions

Page H 5125

H.R. 2712. A bill to effect a moratorium on immigration; to the Committee on the Judiciary.

Tancredo

Page H 5125

H.R. 2713. A bill to *amend the Immigration and Nationality Act* to permit the Attorney General to create a record of lawful admission for permanent residence for certain aliens who entered the United States at least 15 years prior to the application date; to the Committee on the Judiciary.

Waters

Page H 5125

H.R. 4. Securing America's Future Energy (SAFE) Act:

The House passed H.R. 4, to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people by a recorded vote of 240 ayes to 189 noes, Roll No. 320.

Pages H 5008, D 826, Continued next issue

See Page H 5104: SEC. 6508. EXPEDITED JUDICIAL REVIEW.

(a) Filing of Complaint.--

(1) Deadline.--Subject to paragraph (2), any complaint seeking judicial review of any provision of this title or any action of the Secretary under this title shall be filed in any appropriate district court of the United States--

(A) except as provided in subparagraph (B), within the 90-day period beginning on the date of the action being challenged; or

(B) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint...

Agreed to H. Res. 216, the rule that provided for consideration of the bill by a recorded vote of 220 ayes to 206 noes, Roll No. 307. Earlier, agreed to order the previous question by a yea-and-nay vote of 221 yeas to 208 nays, Roll No. 306.

Pages H 4994-H 5007, D 827

Executive Communication:

EC.-3300. *A letter from the General Counsel, Office of Government Ethics, transmitting the Office's draft bill, "to amend the Ethics in Government Act of 1978, as amended, to streamline the financial disclosure requirements for Executive Branch employees"; jointly to the Committees on the Judiciary, Government Reform, and House Administration.*

Page H 5124

Committee Meetings:

Committee on Education and the Workforce: *Ordered reported, as amended, the following bills:*

H.R. 1992, Internet Equity and Education Act of 2001; **H.R. 1900**, *Juvenile Crime Control and Delinquency Prevention Act of 2001*.

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held an oversight hearing on the "*National Youth Anti-Drug Media Campaign: How to Ensure*

the Program Operates Efficiently and Effectively?”

Page D 828

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on **H.R. 2407, *Federal Photovoltaic Utilization Act***.

Committee on Rules: Testimony was heard from Representatives Burr, Norwood, Cox, Deal of Georgia, Ganske, Boehner, Sam Johnson of Texas, Fletcher, Culberson, Thomas, Collins, LaTourette, Kirk, Dingell, Andrews, Pomeroy, Peterson of Minnesota, and Berry on **H.R. 2563, *Bipartisan Patient Protection Act of 2001***.

Page D 829

Joint Committee Meeting:

Conferees continued into evening session to resolve the differences between the Senate and House passed versions of **H.R. 1**, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.

Page D 829

Committee Meetings For Thursday, August 2, 2001:

Committee on the Judiciary, @ 2:00 p.m. Subcommittee on Commercial and Administrative Law, to mark up the following bills: **H.R. 1552**, Internet Tax Nondiscrimination Act; and **H.R. 1675**, Internet Tax Nondiscrimination Act. 2141 Rayburn.

Committee on the Judiciary, @ 4:30 p.m. Subcommittee on Crime, to mark up the following bill: **H.R. 2146**, Two Strikes and You're Out Child Protection Act. 2237 Rayburn.

Committee on the Judiciary, @ 10:00 a.m. Subcommittee on Immigration and Claims, oversight hearing on the U.S. Population and Immigration. 2237 Rayburn.

Committee on Rules, @ 2:00 p.m. To mark up H.R. 981, Budget Responsibility and Efficiency Act of 2001. H-313 Capitol.

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Remark:

Remembering Prof. Lawrence P. King.

“... For the last 22 years, he was the Charles Seligson Professor of Law. He also served as a member of the Judicial Conference's Advisory Committee on Bankruptcy Rules; as a consultant to the Commission on Bankruptcy Laws of the United States, which produced what ultimately became the 1978 Bankruptcy Code; as a Senior Advisor to the National Bankruptcy Review Commission, established by Congress as part of the Bankruptcy Act of 1994; and, perhaps most importantly, as the editor-in-chief of the authoritative treatise ‘Collier on Bankruptcy’...”

Nadler

Pages E 1489-90

Next SENATE MEETING: Thursday, 9:30 a.m., August 2, 2001.
Next HOUSE MEETING: Thursday, 10:00 a.m., August 2, 2001.

OLA: S. Schwarz (Smith), J. Homanich